

Approved Language for Submission of Scores to Courts

Use the approved paragraph below to submit the score to the sentencing court, or to explain why the person cannot be scored under the coding rules. The recidivism risk levels changed, due to new research, in 2009. Check the SARATSO web site for the new scoring worksheet. It has the new risk levels at the bottom. The scores did not change, just the recidivism risk level posed by an offender.

1. Static-99R

The Static-99R was developed by Dr. Karl Hanson and Dr. David Thornton in 2009 and serves as a revision to the Static-99R as an actuarial risk instrument to estimate the likelihood that a sex offender will be arrested for a new sexual offense.¹ But as previously discussed, not all sexual offenders are eligible to be scored with this instrument. **NOTE: A score is not statistically valid if information is missing on any factor except living in an intimate relationship for 2+ years. Thus, a score is valid only if every factor is scored, with the one exception of the intimate relationship factor.**

a. Static-99R Template Where Ineligible to be Scored

Current law requires that the risk assessment score on the Static-99R be done for every eligible person (Pen. Code, § 290.06). Although Mr. XX is required to register pursuant to Section 290, et seq., he is not eligible to be scored on the Static-99R under the official coding rules of the Static-99R. According to these rules, the Static-99R is not recommended for use: 1) If the offense involve only consenting sexual activity with a peer within three years in age; 2) If the offenses have no identifiable victim (prostitution, pandering, possessing child pornography when there is no identifiable named victim in the photos) or 3) for consenting sex in public places, or indecent behavior with no sexual motive. Additionally the Static-99R cannot be used for females--the Static-99RR is only available for males who are currently over the age of 18 years and who committed the eligible offense while at least 16 years old. In the case of Mr. XX (**GIVE REASON YOU DID NOT SCORE IT**). Consequently, no risk assessment score or associated risk level is provided. His offense does not fit the criteria for those who can validly be assessed with this risk assessment instrument.

¹ Helmus, L. *Re-norming Static-99R recidivism estimates: Exploring base rate variability across sex offender samples*. Unpublished master's thesis, Carleton University, Ottawa, Ontario, Canada (2009) [publication pending]. See also Hanson, R.K. & Thornton, D., Static-99R: Improving risk assessments for sex offenders: A comparison of three actuarial scales. *Law and Human Behavior*, 24, 119-136 (2000). The Static-99R is the most frequently used actuarial tool in sex offender risk assessment. (*U.S. v. Hunt* (D.Mass. 2009) 643 F.Supp.2d 161, 172.)

b. Static-99R Template Where Eligible to Be Scored

Mr. XX was scored on the Static-99R,² which is an actuarial measure of risk for sexual offense recidivism. This instrument has been shown to be a moderate predictor of sexual re-offense potential. Mr. SVP received a total score of XXX, which places him in the XXXX (choose one: Low, Moderate-Low, Moderate-High, or High) Risk Category for being charged or convicted of another sexual offense, if he is released on probation. His risk on release from a prison sentence cannot be calculated until his age on release on parole is known, so the risk score stated herein is predictive of risk at release on probation. If Mr. XX has a prior conviction for a registrable sex offense, his risk score was calculated based on his age at release on the most recent registrable sex offense.

[Add only if the offender has had a non-sexual violent offense after the index sex offense: Because Mr. XX has had a non-sexually violent offense after his most recent sex offense then his risk is likely higher than that measured on the Static-99R. That is because offenses committed after the most recent sex offense are not considered in Static-99R coding.]

² Helmus, L. *Re-norming Static-99R recidivism estimates: Exploring base rate variability across sex offender samples*. Unpublished master's thesis, Carleton University, Ottawa, Ontario, Canada (2009) [publication pending].
Hanson, R.K. & Thornton, D. (2000). Static-99R: Improving risk assessments for sex offenders: A comparison of three actuarial scales. *Law and Human Behavior*, 24, 119-136.